

COLLECTIVE BARGAINING FOR NURSES 24.25.206

Sub-Chapter 2

General Provisions

24.25.201 DEFINITIONS (1) The Department of Labor and Industry hereby adopts the definitions set forth in Section 39-32-102, MCA.

(2) The word "division" means the personnel appeals division and in the proper context may also mean an agent appointed by the division to perform certain division functions. (History: Sec. 39-32-103, MCA; IMP 39-32-103 MCA NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.202 FILING OF NEGOTIATED AGREEMENTS. (1) One copy of each collective bargaining contract between a public employer and a labor organization shall be filed with the division within 30 days after the final execution thereof. (History: Sec. 39-32-103 MCA; IMP 39-32-108 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.203 FILING OF LABOR ORGANIZATION'S BYLAWS (1) Any employee organization seeking certification from the board as exclusive representative of a group of employees must first file with the division a copy of the labor organization's written bylaws. The bylaws must be filed only once with the division. If any revisions or changes are made, the bylaws must be refiled.

(2) The bylaws must provide for and guarantee that:

(a) Provisions are made for democratic organization and procedures.

(b) Elections are held pursuant to adequate standards and safeguards.

(c) Controls are provided for the regulation of officers and agents having fiduciary responsibility.

(d) Sound accounting, fiscal control, and annual audit requirements exist. (History: Sec. 39-32-103 MCA; IMP 39-32-108 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.204 PROOF OF INTEREST CONFIDENTIAL (1) The proof of interest submitted with any petition shall not be furnished to any of the parties. The division shall consider the adequacy of the showing of interest and such decision shall not be subject to challenge. (History: Sec. 39-32-103 MCA; IMP 39-32-108 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

Rule 24.25.205 Reserved

24.25.206 NOTICE OF STRIKE (1) Any notice of strike given by the employees of a health care facility or their duly elected representative as is required by 39-32-110, MCA must be simultaneously filed with this division. (History: Sec. 39-32-103 MCA; IMP, 39-32-110 MCA; NEW, 1979 p. 1492-  
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1493, Eff. 11/30/79.)

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Sub-Chapter 3

Unit Determinations

24.25.301 COMPOSITION OF UNIT (1) A unit may consist of all of the employees of the employer or any department, division, bureau, section, or combination thereof if found to be appropriate by the division. (History: Sec. 39-32-103 MCA; IMP, 39-32-106 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.302 APPROPRIATE UNIT(1) In considering whether a bargaining unit is appropriate, the division shall consider such factors as:

- (a) similarity of duties
  - (b) licensure
  - (c) conditions of employment
  - (d) community of interest;
  - (e) wages;
  - (f) hours;
  - (g) fringe benefits and other working conditions;
  - (h) the history of collective bargaining;
  - (i) common supervision;
  - (j) common personnel policies;
  - (k) extent of integration of work functions and interchange among employees affected; and,
  - (l) desires of the employees.
- (History: Sec. 39-32-103 MCA; IMP 39-32-106 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.303 PROFESSIONAL EMOLOYEES (1) When a petition for a unit determination proposes a unit which contains both professional and nonprofessional employees, and the unit is found to be appropriate by this division, an election will be conducted among the professional employees to determine whether or not they wish to be included in the proposed unit.

(a) If a majority of the professional employees do not desire to be included in the proposed unit, they shall be excluded from the unit.

(b) If a majority of the professional employees desire to be included in the unit they shall be included in the unit.

(2) Notice of the special election shall be posted by the employer no less than five days prior to the election. (History: Sec. 39-32-103, MCA; IMP, 39-32-106(3) MCA; NEW 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.304 PETITIONS FOR NEW UNIT DETERMINATION AND ELECTION

(1) A petition for new unit determination and election shall be filed with the division by an employee or a representative of a group of employees.

(2) The original petition shall be signed by the peti-

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tioner.

(3) The original petition and five copies of the petition shall be filed with the division.

(4) The petition shall contain:

(a) a description of the unit to be determined specifying inclusions and exclusions;

(b) a statement as to whether there is any known disagreement between the employer and the petitioner as to the nature and scope of the proposed unit and the reasons for the disagreement;

(c) the names of all labor organizations known to the petitioner who claim to represent employees in the proposed unit;

(d) the expiration dates and brief description of any contracts covering any employees in the proposed unit;

(e) the approximate number of employees in the proposed unit; and

(f) any other relevant facts.

(5) The petition shall be accompanied by proof, consisting of authorization cards, or copies thereof, which have been individually signed and dated within six months prior to the filing of the petition that the desire for organization represents 30 percent of the employees in the proposed unit.

(6) The division shall serve a copy of the petition upon the other party to the petition. (History: Sec. 39-32-103 MCA; IMP 39-32-106 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.305 EMPLOYER COUNTER PETITION (1) The party served by the division shall have five working days from receipt of the petition in which to file a counter petition with the division.

(2) The party served shall file a counter petition when the party served disagrees with the appropriateness of the proposed unit as described in the petition.

(3) The petition shall contain:

(a) discussion of the nature of the disagreement with the petitioner(s) proposed appropriate unit;

(b) description of the served party's proposed appropriate unit;

(c) the number of employees in the served party's proposed unit;

(d) the expiration dates and brief description of any contracts covering any employees in the served party's proposed unit; and

(e) any other relevant facts.

(4) The division shall serve a copy of the counter petition upon the petitioner. (History: Sec. 39-32-103 MCA; IMP, 39-32-106 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.306 NOTICE OF UNIT DETERMINATION PROCEEDINGS (1) The division shall require the employer to post in a con-  
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spicuous manner a notice of unit determination proceedings. Such notice shall be provided by the division and shall remain posted for a period of 20 days.

(2) The employer shall confirm in writing to the division that it has received, posted, and shall continue posting of the notice for the required 20 days. (History: Sec. 39-32-103 MCA; IMP, 39-32-106 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.307 PETITION TO INTERVENE (1) Within 20 days from the first day of posting of the notice of unit determination proceedings, any labor organization or group of employees may file a petition to intervene.

(2) The petition shall contain the name and address of petitioner.

(3) The petition shall be accompanied by proof of interest consisting of authorization cards, or copies thereof, which have been signed and dated within six months prior to the filing of the petition representing 10 percent of the employees in the unit.

(4) The petition to intervene shall conform in all other respects to the requirements for a petition for new unit determination and election.

(5) The division shall serve a copy of the petition to intervene upon all other parties. (History: Sec. 39-32-103 MCA; IMP 39-32-106 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.308 PROCEDURE FOLLOWING FILING OF PETITION FOR NEW UNIT DETERMINATION AND ELECTION (1) The division shall direct an investigation of all questions and facts concerning the proposed unit, and shall have the following options:

(a) to direct a unit determination hearing within 20 days after time for intervening has passed; or

(b) to dispense with a unit determination hearing at its sole discretion, under the following conditions:

(i) there has been no counter petition filed;

(ii) no intervenors contest the petitioner's proposed unit structure.

(2) After a hearing, the division shall issue its determination of the appropriate unit. If a unit petitioned for is found not to be appropriate, the findings and conclusions shall give specific reasons therefor. If the unit is found to be appropriate, the division shall schedule the election and a pre-election conference at which time challenges for individual inclusions and exclusions shall be made by either party. (History: Sec. 39-32-103 MCA; IMP, 39-32-106 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

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Sub-Chapter 4

Unit Clarifications

24.25.401 PETITION FOR UNIT CLARIFICATION OF BARGAINING UNIT.

(1) A Petition for Clarification of Bargaining Unit may be filed with the division only by a bargaining representative of the unit in question or by an employer and only if:

- (a) there is no question concerning representation;
- (b) the parties to the agreement are neither engaged in negotiations nor within 120 days of the expiration date of the agreement;
- (c) a petition for clarification has not been filed with the division concerning substantially the same unit within the past 12 months immediately preceeding the filing of the petition; and
- (d) no election has been held in substantially the same unit within the past 12 months immediately proceeding the filing of the petition.

(2) A copy of any such petition shall be served by the division upon the bargaining representative if filed by the employer and upon the employer if filed by a bargaining representative.

(3) A petition for clarification of an existing bargaining unit shall contain the following:

- (a) the name and address of the bargaining representative;
- (b) the name and address of the public employer involved;
- (c) the identification and description of the existing bargaining unit;
- (d) a description of the proposed clarification of the unit;
- (e) the job classification(s) of employees as to whom the clarification issue is raised, and the number of employees on each such classification;
- (f) a statement setting forth the reasons why petitioner desires a clarification of the unit;
- (g) a statement that no other employee organization is certified to represent any of the employees who would be directly affected by the proposed clarification;
- (h) a brief and concise statement of any other relevant facts; and
- (i) the name, affiliation, if any, and the address of petitioner.

(4) The party on whom the petition was served shall have 20 days to file a response with this division.

(5) Upon a determination that a question of fact exists, this division may set the matter for hearing. Upon completion of the hearing this division may:

- (a) grant the petitioned for clarification in whole or in part; or

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(b) deny the petitioned for clarification in whole or in part. (History: Sec. 39-32-103 MCA; IMP 39-32-106 MCA; NEW, 1979 MAR 1492-1493, Eff. 11/30/79.)

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Sub-Chapter 5

Petitions for Decertification

24.25.501 PETITION FOR DECERTIFICATION (1) A petition for decertification of an exclusive representative shall be filed by an employee, a group of employees, or a labor organizations, provided that 12 months have elapsed since the last election.

(2) The petition must be filed not more than 90 days before, and not less than 60 days before the termination date of the previous collective bargaining agreement, or upon the terminal date thereof. A contract whose duration is more than two years shall not be a bar to a decertification proceeding after the expiration of the second year.

(3) The original petition shall be signed by the petitioner(s) or their authorized representative.

(4) The original petition and five copies of the petition shall be filed with the division.

(5) The petition shall contain:

(a) the name and address of petitioner(s);

(b) a statement that the labor organization that has been certified or is currently being recognized by the employer as bargaining representative no longer represents the interests of the majority of the employees in the unit;

(c) the name of the labor organization, if any, which claims to be the majority representative;

(d) a description of the bargaining unit involved and the approximate number of employees; and

(e) any other relevant facts.

(6) The petition shall be accompanied by proof that 30 percent of the employees in the unit do not desire to be represented by the existing exclusive representative. This proof will consist of authorization cards, or copies thereof, which have been individually signed and dated within six months prior to the filing of the petition.

(7) The division shall serve a copy of the petition upon the labor organization(s) concerned, and upon the employer. (History: Sec. 39-32-103 MCA; IMP 39-32-108(3) MCA; NEW 1979 MAR 1492-1493, Eff. 11/30/79.)

24.25.502 ANSWER (1) Each party may file an answer to the petition for decertification within five working days after receipt thereof.

(2) The composition of the unit is not a proper matter to be considered in a decertification proceeding. Eligible voters for any decertification election shall be those who are members of the bargaining unit at the time of the filing of the petition. (History: Sec. 39-32-103, MCA; IMP, 39-32-108(3) MCA, NEW, 1979 MAR 1492-1493, Eff. 11/30/79.)



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24.25.503 NOTICE OF DECERTIFICATION PROCEEDINGS (1) The division shall require the employer to post in a conspicuous manner, a notice of decertification proceedings. Such notice shall be provided by the division and shall remain posted for a period of 20 days.

(2) The employer shall confirm in writing to the division that it has received, posted, and shall continue posting of the notice for the required 20 days. (History: Sec. 39-32103 MCA; IMP, 39-32-108(3) MCA; NEW, 1979 MAR 1492-1493, Eff. 11/30/79.)

24.25.504 PETITION TO INTERVENE (1) Any labor organization or group of employees may file a petition to intervene within 20 days of the first day of posting of the notice of decertification proceedings.

(2) The original petition shall be signed by the petitioner(s) or their authorized representative.

(3) The original petition and five copies of the petition shall be filed with the division.

(4) The petition shall contain the name and address of petitioner(s).

(5) The petition shall be accompanied by proof of interest representing ten percent of the employees in the unit. This proof will consist of authorization cards, or copies thereof, which have been individually signed and dated within six months prior to the filing of the petition.

(6) The petition to intervene shall conform in all other respects to the requirements for a petition for decertification.

(7) The division shall serve a copy of the petition to intervene upon all other parties. (History: Sec. 39-32-103 MCA; IMP 39-32-108(3) MCA; NEW, 1979 MAR 1492-1493, Eff. 11/30/79.)

24.25.505 PROCEDURE FOLLOWING FILING OF PETITION FOR DECERTIFICATION (1) The division shall direct an investigation of all questions and facts concerning the proposed decertification and shall have the following options:

(a) to direct a hearing if deemed appropriate, after which the election and a pre-election conference shall be scheduled; or

(b) to schedule the election and a pre-election conference. (History: Sec. 39-32-103 MCA; IMP 39-32-108(3) MCA; NEW 1979 MAR 1492-1493, Eff. 11/30/79.)

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Sub-Chapter 6

Elections

24.24.602 ELECTION DIRECTED (1) The division shall direct an election to be conducted by an employee of the division where an appropriate unit has been determined and a question of representation exists or where a petition for an election has been filed. The election shall be conducted under the direction and supervision of the division with all determinations made by an employee. (History: Sec. 39-32-103 MCA; IMP, 39-32-108 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.602 CONDITIONS (1) All elections shall be held at such times and places and upon such terms as the division may specify. (History: Sec. 39-32-103 MCA; IMP, 39-32-108 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.603 SECRET BALLOT (1) All elections shall be by secret ballot. (History: Sec. 39-32-103 MCA; IMP, 39-32-108 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.604 ELIGIBLE VOTERS (1) The employees eligible to vote shall be those within the unit on the date of the filing of the petition excluding those employees who have voluntarily terminated their employment between the filing date and the date of the election.

(2) At least seven days prior to the election, the employer shall furnish to each labor organization which is party to the proceeding, a list of names and addresses of the employees eligible to vote. (History: Sec. 39-32-103 MCA; IMP, 39-32-108 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.605 NOTICE (1) Not more than 20 calendar days nor less than 10 calendar days prior to any election set by the division, the division shall cause to be prepared and distributed a Notice of Election specifying the date and place thereof; the hours the polls will be open; the classification of employees in the appropriate unit for which the election is to be conducted; rules concerning eligibility to vote; a sample ballot; and such additional information and instruction as the division may consider appropriate. Copies of the Notice of Election and the sample ballot will be sent to all labor organizations appearing on the ballot and to the employer. The employer shall cause copies of the Notice of Election and the sample ballot to be posted for at least five working days prior to the election at work locations where notices are normally posted for the benefit of employees in the appropriate unit. The posting requirement may be modified by mutual

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agreement of management and the parties appearing on the ballot. (History: Sec. 39-32-103 MCA; IMP, 39-32-108 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.606 BALLOTS (1) The rank order of the employee organization names to be placed on the ballot will be determined during the pre-election hearing. "No Representation" will always be listed as the last choice.

(2) Only those labor organizations which have been designated by more than ten percent of the employees in the unit shall be placed on the ballot.

(3) Absentee ballots shall not be allowed. (History: Sec 39-32-103 MCA; IMP, 39-32-108 MCA; NEW, 1979 MAR p. 1492-1493 Eff. 11/30/79.)

24.25.607 POLL WATCHERS (1) Each party to the election shall be entitled to be represented by an equal number of observers watching at each polling place. Observers shall be employees eligible to vote, or in the case of employer's observers, shall be any appropriate persons who are not on the list of eligible voters. Each party may observe the ballot counting. (History: Sec. 39-32-103 MCA; IMP, 39-32-108 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.608 POLLING AREA ELECTIONEERING (1) Prior to the commencement of the election the employee of the division shall designate the polling area and no electioneering of any kind shall be permitted within this area. Any violation of this rule by any part or its representative or agent may be grounds for setting aside the election. (History: Sec. 39-32-103 MCA; IMP, 39-32-108 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.609 CHALLENGES (1) All employees whose names appear on the list certified by the division as being a complete list of the employees within the defined appropriate unit shall be eligible to vote.

(2) Any prospective voter may be challenged for cause.

(3) All employees whose names do not appear upon the list certified by the division as being a complete list of the employees within the defined appropriate unit shall be challenged by the agent of the division.

(4) A challenged voter shall be permitted to vote but his ballot shall not be cast. It shall instead be sealed in a separate, unmarked envelope under the supervision of the employee of the division and then inserted in a special indentifiable form envelope provided by the division for that purpose and returned to the division. (History: Sec. 39-32-103 MCA; IMP, 39-32-108 MCA; NEW, 1979 MAR p. 1492-1492, Eff. 11/30/79.)

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24.25.610 MAJORITY (1) In all elections, a majority of the valid votes cast shall determine the employees' representative to be certified. In the case of a tie vote, no certification shall be issued. (History: Sec. 39-32-103 MCA; IMP, 39-32-108 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.611 OBJECTIONS (1) Within five working days after the tally of ballots has been furnished, any party may file with the division, objections to the conduct of the election or conduct affecting the results of the election. Such objections shall be in writing and shall contain a brief statement of facts upon which the objections are based. An original and five copies of such objections shall be signed and filed with the division, the original being sworn to. The party filing an objection shall serve a copy upon each of the other parties to the election. (History: Sec. 39-32-103 MCA; IMP, 39-32-108 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.612 CERTIFICATION (1) If no objections are filed within the time set forth above, and if the challenged ballots are insufficient in number to affect the result of the election, the division shall forthwith issue to the parties a certification of representative, where appropriate. (History: Sec. 39-32-103 MCA; IMP, 39-32-108 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

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Sub-Chapter 7

Improper Employment Practices

24.25.701 COMPLAINT (1) A complaint alleging that a person has engaged in or is engaging in an improper employment practice may be filed by an employee, or a group of employees, a labor organization.

(2) A complaint shall be in writing. The original shall be signed and verified by the complainant or his authorized representative. The original and five copies of the complaint shall be filed with the division. The division shall serve one copy of the complaint on each party named in the complaint.

(3) A complaint shall contain the following:

(a) the name, address and telephone number of the complainant;

(b) the name, address and telephone number of the party against whom the charge is made; and

(c) a clear and concise statement of facts constituting the alleged violation, including the time and place of occurrence of the particular acts and a statement of the portion or portions of the law or rules alleged to have been violated.

(4) If the division determines that the facts alleged in the complaint do not constitute an improper employment practice under section 39-32-109 MCA, it shall dismiss the charge. (History: Sec. 39-32-103 MCA; IMP, 39-32-109 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.702 ANSWER (1) The party named in the complaint shall file a written verified answer within ten days after service of the complaint.

(2) One copy of the answer shall be served on the complainant, and the original, with proof of due service and five copies, shall be filed with the division.

(3) The answer shall include a specific admission, denial, or explanation of each allegation in the complaint.

(4) If the party charged fails to file a timely answer, the division may consider it an admission of material facts and waiver of a hearing. (History: Sec. 39-32-103 MCA; IMP 39-32-109 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.703 NOTICE OF HEARING (1) After the time for filing an answer has passed, the division shall serve a notice of hearing upon the parties. The hearing date shall not be less than five nor more than 20 working days from the date of service. The notice shall include all those items listed in section 2-4-601, MCA, and shall state who will hear the complaint. (History: Sec. 39-32-103 MCA; IMP 39-32-109 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

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24.25.704 PROPOSED FINDINGS (1) The hearing examiner may request proposed findings of fact and conclusions of law. (History: Sec. 39-32-103 MCA; IMP 39-32-109 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

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Sub-Chapter 8

Impasse

24.25.801 PETITION (1) In the event of an impasse, a petition, in writing, requesting assistance of the division, may be filed with the division by an employee or group of employees, a labor organization, or employer. The original of the petition shall be signed by the petitioner or his author-ized representative, and the original and five copies thereof shall be filed with the division. The petitioner shall serve a copy of the peition simultaneously upon any party in the petition. The petition shall contain:

- (a) name, address, and telephone number of petitioner or authorized representative;
- (b) name address, and telephone number of the employer;
- (c) description of unit involved;
- (d) name, address, and telephone number of the recognized or certified labor organization and authorized representative thereof;
- (e) description of the dispute in detail;
- (f) statement as to what assistance is requested; and
- (g) statement indicating if the request is unilateral or joint.

(2) A petition may be withdrawn with the consent of the division. (History: Sec. 39-32-103 MCA; IMP 39-32-110 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.802 MEDIATION (1) Upon petition, the division, any member or employee thereof designated by the division, or any other competent, impartial, disinterested person designated by the division may act as the mediator in a dispute or, if available, the division may request a mediator from the Federal Mediation and Conciliation Service or from the American Arbi-tration Association.

(2) Any information disclosed to the mediator in the performance of his duties shall not be divulged unless approved by the parties involved. All files, records, reports, docu-ments, or other papers received or prepared by the mediator shall be classified as confidential and not as a public record. Such matters shall not be disclosed to anyone without the prior consent of the division.

(3) The mediator shall not produce any confidential records or testimony with regard to any mediation conducted by him on behalf of the party to any case pending in any proceed-ing before any court, board, investigatory body, arbitrator, or fact finder without the written consent of the division.

(4) The mediator may hold separate or joint meetings with the parties or their representatives, and such meetings shall be private and nonpublic, except if otherwise mutually agreed upon by the parties.

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(5) The mediator shall, within 30 days of his designation, report in writing the progress of his mediation efforts, as well as the terms of the settlement of the dispute, if any, to the division.

(History: Sec. 39-32-103 MCA; IMP 39-32-110 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.803 FACT FINDER (1) Either party to a dispute may petition the division to initiate fact-finding or, if it is apparent that matters in disagreement might be more readily settled if facts involved were determined and publicly known, the division may initiate fact-finding.

(2) Within three days of receipt of a petition for fact finding, the division shall submit a list of five qualified, disinterested persons to each of the parties to the dispute.

(3) Within five days of receipt of the list, the parties shall select a fact finder by having the petitioner strike two names and then the other party strike two names. The remaining name is that of the fact finder.

(4) The parties shall immediately notify the division of the name of the fact finder. The board shall notify the fact finder and request him to immediately establish dates and places of hearings.

(5) Within 20 days from his notification by the division, the fact finder shall make written findings of fact and recommendations for resolution of the dispute. The findings shall be served on both parties and a copy sent to the division.

(6) The fact finders may request the division to make the report public five days after the parties are served with the findings.

(7) Fifteen days after the parties are served the division shall provide that the report is open to public inspection.

(8) The fact finder shall submit his costs and fees to the division which shall send copies of an invoice to both parties on which they will be billed for one-third of the total. The parties shall pay the division within five days and the division shall forward the total amount to the fact finder. (History: Sec. 39-32-103 MCA; IMP, 39-32-110 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

24.25.804 ARBITRATION (1) The parties may, at any period in the negotiations, agree to submit the issues to binding arbitration.

(2) Both parties shall jointly notify the division in writing of this decision and of the identity of the arbitrator.

(3) The parties may petition the division to assist in the selection of the arbitrator in accordance with rule 24.25.801.

(4) The arbitrator shall render a decision within 30 days of his appointment. (History: Sec. 39-32-103 MCA; IMP 39-32-110 MCA; NEW, 1979 MAR p. 1492-1493, Eff. 11/30/79.)

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